

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Brines et al.

Serial No.: 09/547,220

Group Art Unit: 1636

Filed: April 11, 2000

Examiner: Regina M. DeBerry

For: MODULATION OF EXCITABLE TISSUE
FUNCTION BY PERIPHERALLY
ADMINISTERED ERYTHROPOIETIN

Attorney Docket No.: 10165-006

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MAY 21 2002

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COMMUNICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

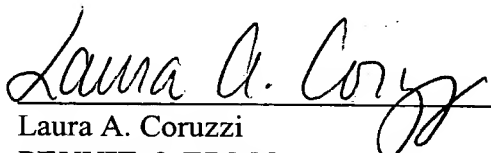
As per our telephone conversation with Examiners Regina DeBerry and Elizabeth Klemmerer on May 21, 2002, enclosed are replacement copies of the Information Disclosure Statement and all the references cited therein which were previously filed on November 20, 2000, but which we understand can not be located by the U.S. Patent and Trademark Office.

Based on our conversation, it is our understanding that the U.S. Patent and Trademark Office will rescind the outstanding Office Action dated May 8, 2002, consider the references cited in the Information Disclosure Statement, and issue a new Office Action shortly.

We thank the Examiners in advance for their cooperation in attending to this matter.

Respectfully submitted,

Date: May 21, 2002


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